

Dec 3, 2002

RE: 02-230

Dear FCC,

It is my understanding that the purpose of this proposed rule, is the FCC will require all manufacturers to include a device/chip in digital recording devices that will prevent THE RECORDING OF BROADCAST TELEVISION if there is a 'flag' that is included in the broadcast. It is my belief that this is a violation of fair use, as has been decided previously by the courts.

This is the same thing that the broadcast industry tried to do when the VCR was first introduced. The courts upheld an individual's right to record and later view broadcast television. At the time, the courts were only ruling on the use of analog recording devices. But by extension, this should be extended to digital recording devices as well.

It is my belief that the FCC has no right to prevent me from buying any recorder product I want from anyone who wants to sell it to me-- whether it has copy protection or not. If I wish to record a broadcast program, and view it at a later time, I am exercising a legal right. Your proposed regulation would take that away from me. If I am to maintain my fair use rights, I must be able to record the broadcast in whatever form I wish, for later viewing. Further, I must be able to continue to view this program for as long as I wish. Meaning that if I want to watch a program 1, 2, 5, or 10 times over the next month, I may.

I am an average citizen, with no connections to the broadcast industry, nor to the manufacturing of recording devices. I am writing this because this constant erosion of a person's rights has to stop. And here is a good place.

Andrew Stueve